

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 03-58974

RICHARD DAVIS,

Chapter 13

Debtor.

Judge Thomas J. Tucker

_____/

MANUFACTURES & TRADERS
TRUST COMPANY,

Plaintiff,

Adversary Proceeding No. 05-5492

v.

RICHARD DAVIS, et al.,

Defendants.

_____/

ORDER REMANDING ADVERSARY PROCEEDING TO STATE COURT

On July 14, 2005, Debtor Richard Davis filed a document entitled “Notice of Removal of State Court Action (Removed from 36th District Court, Case #03-335485LT),” purporting to remove an action apparently filed against Debtor in state court.¹ However, the Notice of Removal is defective for each of the following reasons: (1) it does not “contain a short and plain statement of the facts which entitle” Debtor to remove the case (it states no such facts); (2) it does not “contain a statement that upon removal of the claim or cause of action the proceeding is core or non-core and, if non-core, that the party filing the notice does or does not consent to entry of final orders or judgment by the bankruptcy judge;” and (3) it was not “accompanied by a copy

¹ Debtor’s Notice of Removal states that Debtor moves for removal based on 28 U.S.C. § 452(a). The Court assumes that this is a typographical error, and that Debtor meant to cite 28 U.S.C. § 1452(a).

of all process and pleadings” from the state court action. *See* Fed.R.Bankr.P. 9027(a)(1).

Accordingly,

IT IS ORDERED that the removed case is REMANDED to the state court from which it was removed.

Date: August 5, 2005

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

cc: Richard Davis, Debtor
5995 Cadieux Road
Detroit, MI 48224

Donald J. King
Tammy L. Terry, Trustee
United States Trustee (attn: Marion Mack)

Not for publication